

REMARKS

Consideration of the elected claims is respectfully requested.

STATUS OF CLAIMS

Claims 1-115 are pending in the application.

Claims 1-6, 11-13, 20, 38-39, 42, 52, 56, 70-72, 75, 80, 86, 87, 89-91, 98, 107-109 and 114 have been elected.

Claims 7-10, 14-19, 21-37, 40-41, 43-51, 53-55, 57-69, 73-74, 76-79, 81-85, 88, 92-97, 99-106, 110-113 and 115 have been withdrawn from consideration.

CLAIM REJECTION

The First OA, paragraphs 1 and 2, rejects Claims 1-115 under 35 USC 112, 2nd paragraph, and requires Applicant to elect no more than 30 claims.

Applicant has elected no more than 30 claims as required for this response. The elected claims are Claims 1-6, 11-13, 20, 38-39, 42, 52, 56, 70-72, 75, 80, 86, 87, 89-91, 98, 107-109 and 114.

Applicant, while respectfully disagreeing with the finding of, and rejection based on, “undue multiplicity” (including, but not limited to, for the reasons which Applicant sets forth below) hereby expressly reserves the Applicant’s rights to later, and fully, traverse such finding and rejection.

The originally presented claims claim (1) a hammer wrench assembly, (2) a method, and

(3) an improved hammer wrench. The claims use a variety of different permitted claiming techniques such as, but not limited to, the use of means plus function language pursuant to 35 USC 112, 6th paragraph. The use of different claiming techniques to claim Applicant's invention is not "undue multiplicity".

In view of the above remarks, the rejection of Claims 1-115, under 35 USC 112, 2nd paragraph, should be withdrawn.

CONCLUSION

Based on the above election and remarks, it is submitted that all of the remaining claims in the case are allowable and an early notice of the same is respectfully solicited. If the Examiner feels a telephone conference will in any way expedite the disposition of this matter, he is respectfully invited to contact this attorney at (504) 585-3803. **To the extent additional fees are required to file or process this application, please charge our Deposit Account No. 03-0937.**

Respectfully submitted,



RAYMOND G. AREAUX, ESQ. (No. 33,643)
Carver, Darden, Koretzky, Tessier,
Finn, Blossman & Areaux, L.L.C.
1100 Poydras Street, Suite 2700
New Orleans, Louisiana 70163
Direct Line No. (504) 585-3803

Facsimile
E-mail address:

(504) 585-3801
areaux@carverdarden.com